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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,926	12/05/2001	Carl P. Gusler	AUS920011005US1	9814

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/004,926	Applicant(s) GUSLER ET AL.	
	Examiner Jason P. Salce	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 4-8 have been considered but are moot in view of the new ground(s) of rejection.

After further search and consideration prior art has been found that reads on the classification limitations found in claim 5 of the instant application (**see rejection below**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnhouse et al. (U.S. Patent Application Publication 2002/0056104) in view of Arsenault et al. (U.S. Patent No. 6,728,966).

Referring to claim 5, Burnhouse discloses receiving broadcast signals for a plurality of television stations (**see Figures 3-4 and Paragraph 0024**).

Burnhouse also discloses displaying one or more folders associated with one or more classifications for said plurality of television stations on a display (**see Figures 9-10 and Paragraph 0057**), wherein each of said one or more folders comprises one or more indications associated with one or more television stations (**see Paragraph 0062**).

Burnhouse discloses determining whether said broadcast signals include tags for associating each of said plurality of television stations with one or more classifications **(see Paragraph 0035 and Figure 3 for each program signal carrying different types of tags for category, subcategory, etc.)**.

Burnhouse discloses that if the broadcast signals include said tags then comparing said tags with a list of one or more classifications associated with said plurality of television stations **(see Paragraphs 0036 and 0040)**. *The examiner notes that at Paragraph 0036, Burnhouse teaches that a table of pointers 401 to the EPG is stored in the memory. Note that in Figure 3 clearly teaches that the EPG contains category and subcategories. Paragraph 0036 further teaches that table 401 is used for changing the order of the programs according to the information to be presented in the guide to user (e.g. **selecting a category or subcategory to configured a specified display of programs as shown in Figure 5**) as well as that table 401 includes an entry for the address pointer to the corresponding program data (**which as shown in Figure 5 includes the category and subcategory data**). Therefore using table 401, when a user selects a category and subcategory to generate a program guide corresponding to a category and/or subcategory, the table is accessed and the selected category and subcategory (**one or more classifications associated with said plurality of television stations**) are compared to the program data (**incoming tags**).*

Burnhouse also discloses displaying one or more folders associated with one or more classifications for said plurality of television stations on said display according to a base set **(see Figures 8-10 and Paragraphs 0056-0061)** after the base set has been

processed (**as described above after receiving the EPG data at the viewer's set-top box**).

Burnhouse fails to teach the specific classification process described in the remaining claim limitations.

Arsenault also discloses an EPG data processing system that receives broadcast signals that include tags for associating each of said plurality of television stations with one or more classifications (**see Column 4, Lines 21-24, Column 6, Lines 52-54, Column 7, Line 15 and Column 6, Line 55 through Column 7, Line 2 for receiving content records/tags 100**).

Arsenault also discloses that if said broadcast signals include said tags comparing said tags with a list of one or more classifications associated with said plurality of television stations (**see Column 7, Lines 21-23 and Lines 47-49 for comparing incoming content records 100**).

Arsenault also discloses that if there are differences between said list of one or more classifications associated with said plurality of television stations and said tags then updating the list of one or more classifications in a database associated with said plurality of television stations to become a new base set stored in said database (**see Column 7, Lines 21-46 for creating a new base set because the content record contains new classification information**).

Arsenault also discloses displaying one or more folders associated with one or more classifications for said plurality of television stations on said display according to said new base set after said new base set has been processed (**see Column 6, Lines**

50-54 for displaying a program guide based on the content records that have been classified).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG folder classification system, as taught by Burnhouse, using the specific EPG data classification process, as taught by Arsenault, for the purpose of providing improved efficiency in memory usage, increased database search speed, and/or dynamic field names (**see Column 3, Lines 17-21 of Arsenault**).

Referring to claim 4, Burnhouse discloses that folders are displayed according to a base set if there are no differences between said list of one or more classifications associated with said plurality of television stations and said tags (**see Paragraph 0041 and Figure 5 for creating a folder EPG based on the category tag of the program (Figure 3) and that if a first and second program has a category sports, both the first and second program will be categorized in the sports folder, therefore the base set corresponds to only the category**).

Referring to claim 6, Burnhouse discloses allowing the user to create a new folder in Paragraph 0053, therefore a folder is created and displayed that is not based on the EPG data received (**tags**). Therefore, Burnhouse teaches that folders are displayed according to a base set if said broadcast signals do not includes tags that have been received in the transmitted EPG data received by the user's television receiver.

Referring to claim 7, Burnhouse discloses receiving broadcast signals for a plurality of television stations (**see Figures 3-4 and Paragraph 0024**).

Burnhouse also discloses displaying one or more folders associated with one or more classifications for said plurality of television stations on a display (**see Figures 9-10 and Paragraph 0057**), wherein each of said one or more folders comprises one or more indications associated with one or more television stations (**see Paragraphs 0061-0062**).

Burnhouse also discloses receiving input to add or delete a particular folder and adding or deleting said particular folder (**see Paragraph 0053**).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnhouse et al. (U.S. Patent Application Publication 2002/0056104) in view of Arsenault et al. (U.S. Patent No. 6,728,966) in further view of Rashkovskiy (U.S. Patent Application Publication 2004/0034867).

Referring to claim 8, Burnhouse and Arsenault disclose all of the limitations in claim 5, and although Burnhouse discloses that a favorite channel option exists in the program guide of Burnhouse (**see Paragraph 0056**), Burnhouse and Arsenault are silent about receiving input to add or delete an indication associated with a particular television station (**a program in the category list**) associated with a particular folder

and adding or deleting said indication associated with said particular television station associated with said particular folder.

Rashkovskiy discloses a specific favorite program selection option in Paragraph 0020, which allows the viewer to add a favorite program to his/her list of favorite program that are displayed in the folders menu.

At the time the invention was made, it would have been obvious to modify the favorite program option, as taught by Burnhouse and Arsenault, to include the favorite program option, as taught by Rashkovskiy, for the purpose of better organizing the available content for easier selection and viewing (**see Paragraph 0006 of Rashkovskiy**).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2623

Jason P Salce
Primary Examiner
Art Unit 2623

August 3, 2008